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Date of Deposit: 12-06-2005

By:

Tecia Lindquist

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Leonard Sadjadi

DOCKET NO. 2065JB.37332

SERIAL NO.: 09/736,354

EXAMINER: La, Anh V.

FILED: 12/14/2000

GROUP UNIT: 2636

TITLE: **Lighted Status Indicator Corresponding
to the Positions of Circuit Breaker, Switch or Fuse**

PETITION UNDER 37 C.F.R. 3.81

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the November 18, 2005 Decision from the Office of Petitions, a copy of which is attached hereto, Petitioner Micrin Technologies Corporation ("MICRIN") respectfully requests, that if the above-styled Application is to issue, that it issue in the name the Assignees. The entirety of the rights in the invention disclosed in U.S. Patent Application Serial No. 09/736,354, the above-styled application, were assigned by Applicant such that MICRIN and LS UNICO, INC. (UNICO) were each Fifty Percent (50%) Co-Assignees of the invention. The assignment was recorded with the USPTO on December 14, 2000, and is found on Reel/Frame No.: 011366/0447. This recordation was clearly before issuance, and before the notice of allowance was sent from the Office on February 22, 2005. MICRIN was excluded unilaterally from the prosecution of the above-styled application by UNICO (the inventor's company) beginning on October 17, 2003 with filing of the Change of Power of
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(the Investor's Company) beginning on October 17, 2003 with filing of the Change of Power of Attorney and the Amendment. Therefore, MICRIN did not have the opportunity to correct the form sent back to Office with the issue fee.

MICRIN respectfully requests that the above-styled Application issue to the assignees of record. In the alternative, if it is too late to remedy this before issuance, MICRIN requests a certificate of correction under 37 CFR 1.323.

Respectfully submitted,

Dated: 12-6-05


Mark Henderson
President and Chief Executive Officer of
Micro Technologies Corp., Petitioner
and Co-Plaintiff

I hereby authorize the Commission to charge the petition processing fee set forth in 37 CFR 1.1760 but as required by Bracewell & Giuliani LLP, Deposit Account No. 50-0259 (20651B-37332). The Office is also authorized to charge the fee set forth in 37 CFR 1.20(a) that is required for a certificate of correction should an issuance of a certificate of correction be necessary, to Bracewell & Giuliani LLP, Deposit Account No. 50-0259 (20651B-37332).

Dated: 12-06-05


James E. Bradley
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Chauza & Handley, LLP
PO Box 140036
Irving, TX 75014

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Leonard Sadjadi :
Application No. 09/736,354 :
Filed: December 14, 2000 :
Attorney Docket No. LSUI-27,721US :

This is a decision on the petition filed August 10, 2005, under 37 CFR 1.181 to withdraw the holding of abandonment or, in the alternative, under 37 CFR 1.137(b) to revive the application. This is also a decision on the petition under 37 CFR 1.182 filed August 10, 2005. This is also a corrected decision on the petition under 37 CFR 1.313 filed July 18, 2005.

The petition under 37 CFR 1.181 is granted.

The petition under 37 CFR 1.137(b) is dismissed as moot.

The petition under 37 CFR 1.182 is dismissed as moot.

The petition under 37 CFR 1.313 is dismissed.

The only current attorneys/agents of record are Roger Chauza and Mark Handley. All future correspondence will be mailed only to the address of record which is the address listed at the top of this decision.

The application and an executed declaration were filed on December 14, 2000. The declaration included a power of attorney giving authority to prosecute the application to James Bradley, Frank Vaden, Charles Gunter, and Andrew Dillon.

A "Revocation and Appointment of Power of Attorney and Statement Under 37 C.F.R. § 3.73(b)" was filed on October 17, 2003.

The paper was signed by Leonard Sadjadi as Director for an assignee of a 50% interest in the patent. Leonard Sadjadi is also the applicant and sole inventor.

A revocation and power of attorney will only be effective if signed by certain parties. Parties which can properly sign a revocation and power of attorney are:

- (1) A single assignee of the entire interest in the application;
- (2) All partial assignees, or all partial assignees and inventors who have not assigned their right, title and interest in the application, who together own the entire right, title and interest in the application; and
- (3) All the inventors.

The October 17, 2003 paper was not signed by a party listed in (1) or (2) above. However, the paper was signed by all the inventors. The application's sole inventor, Leonard Sadjadi, signed the paper.

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In certain circumstances, pursuant to 37 CFR 1.371, an assignee or *all* the partial assignees may take steps to exclude the inventor(s) from participating in prosecution. However, such steps were never taken.

For the reasons above, the October 17, 2003 paper was properly signed and properly accepted by the Office.

The October 17, 2003 paper gave powers of attorney to Roger Chauza and Mark Handley. The paper changed the address of record to the address associated with customer number 31782. Chauza and Handley began prosecuting the application.

A Notice of Allowance and a Notice of Allowability were mailed on February 22, 2005.

The issue fee transmittal form filed on May 9, 2005, failed to list any assignee. Therefore, unless further steps were taken, the name of neither assignee would appear on the face of the patent.

On July 18, 2005, James Bradley filed a petition to withdraw from issue and to expressly abandon the application in favor of a continuation application. James Bradley acted on behalf of the assignee who owned the 50% interest not owned by the assignee who employed Leonard Sadjani.

James Bradley did not have authority to sign the paper and the paper should not have been entered.

The July 18, 2005 decision granting the petition to withdraw from issue is hereby vacated.

The application is not abandoned and the petition to withdraw the holding of abandonment is granted.

Since the petition under 37 CFR 1.181 has been granted, petitioner's request to have the petition considered in the alternative under 37 CFR 1.137(b) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of \$750 for the petition under 37 CFR 1.137(b) will be credited back to petitioner's credit card.

The petition under 37 CFR 1.182 seeks for the Office to allow attorneys Roger Chauza and Mark Handley to participate in the prosecution of the application. However, as stated above, the only parties with powers of attorney are Roger Chauza and Mark Handley. Therefore, the petition under 37 CFR 1.182 is unnecessary and is dismissed as moot. The petition fee of \$400 will be credited back to petitioner's credit card.

Petitioner may wish to file a petition under 37 CFR 3.81(b)¹ which provides a remedy when the name of an assignee is inadvertently omitted from the issue fee transmittal form.

¹ 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

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The Office of Patent Publications will be informed of the instant decision so that it may take steps to issue the instant application as a patent.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Petitions Attorney
Office of Petitions

cc: James E. Bradley
Bracewell & Giuliani LLP
P.O. Box 61389
Houston TX 77208-1389

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